

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF GENERAL SESSIONS)
THE FIRST JUDICIAL CIRCUIT)

STATE OF SOUTH CAROLINA)
Plaintiff,)

Warrant/Indictment Nos.: 2019-GS-18-)
0319, 2019-GS-18-0320)
Weapons / Poss. Weapon During Violent)
Crime, If Not Also Sentenced To Life)
Without Parole Or Death; Assault /)
Assault & Battery Of A High &)
Aggravated Nature)

v.)
ANDRE GREEN,)
Defendant.)

RULE 203(B) EXPLANATION

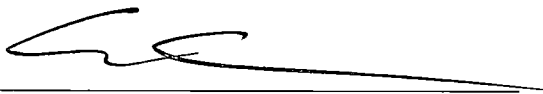
RECEIVED
MAY 16 2022
SC Court of Appeals

Pursuant to Rule 203(B)(iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred and the undersigned did not object to the sentence or file a Motion to Reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,

By: _____


Ash D. Chisholm
Assistant Public Defender
107 West 6th North Street
Summerville, SC 29483
Attorney for Defendant
(843) 821-9800

Summerville, South Carolina
This 11th day of May, 2022

STATE OF SOUTH CAROLINA *Time Served*
 COUNTY OF DORCHESTER
 STATE _____
 VS.
 Andre Green
 AKA: _____
 Race: BLACK Sex: M Age: 39
 DOB: _____ SS# _____
 Address: Broad River Correctional Institution
 City, State, Zip: _____
 DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

0-5

INDICTMENT/CASE#: 2019GS18-0319

A/W#: 2018A1810301027

Date of Offense: 12/13/2018

S.C. Code § : 16-23-490

CDR Code #: 0549

SENTENCE SHEET RECEIVED

MAY 16 2022

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Possession of a Firearm or Knife During the Commission of a Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
 _____ 102370 SC Bar# _____ Defendant _____ 76426
 Spears, Michael Chisholm, Ash
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,

for a determinate term of 117 (days/months/years/Time Served) Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: 1/14/22

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 117 (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- Other: _____
- Completion of GED
- No Contact with _____
- May serve W/E beginning : _____
- Public Service Employment 0 _____ days/hours
- Random Drug/Alcohol testing
- Domestic Violence Intervention Program

RESTITUTION: **Deferred** **Def. Waives Hearing** **Ordered**

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$ _____	
§14-1-206 (Assessments 107.5 %)		\$ _____	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ _____	100
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____	
§56-5-2995 (DUI Assessment)	\$12	\$ _____	
§56-1-286 (DUI Breath Test)	\$25	\$ _____	
§14-1-212 (Law Enforce. Funding)	\$25	\$ _____	25
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____	
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____	
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____	
3% to County (if paid in installments)	TBD	\$ _____	3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ _____	
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____	
	TOTAL	\$ _____	128.75

Clerk of Court/ Deputy Clerk: *Cheryl Graham* Presiding Judge: *Marti' Murray*
 Court Reporter: _____ Judge Code: 2164
 Sentence Date: 1/4/22

Time Served

0-204-1

STATE OF SOUTH CAROLINA)
 COUNTY OF DORCHESTER)
 STATE)
 VS.)
Andre Green)
 AKA:)
 Race: BLACK Sex: M Age: 39)
 DOB: SS#)
 Address: Broad River Correctional Institution)
 City, State, Zip:)
 DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS18-0320

A/W#: 2018A1810301028
 Date of Offense: 12/13/2018
 S.C. Code § : 16-3-600(B)(1)
 CDR Code #: 3411

SENTENCE SHEET RECEIVED

MAY 16 2022

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Assault / Assault and Battery of a High and Aggravated Nature

in violation of § 16-3-600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTEST:

[Signature] 102370 [Signature] 76426
 Spears, Michael SC Bar# Defendant Chisholm, Ash SC Bar#
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of 1, 117 days/months/years. Time Served Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment
 of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run
 CONCURRENT or CONSECUTIVE to sentence on: 1/4/22

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
1, 117 days/months
 To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with _____
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning : _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: _____

RESTITUTION: **Deferred** **Def. Waives Hearing** **Ordered**

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-206 (Assessments 107.5 %)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
TOTAL	\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: *Cheryl Graham*
 Court Reporter: _____

Presiding Judge: *Marti King*
 Judge Code: 2164
 Sentence Date: 11/12/27